

PROB 12C
(Rev. 2/13)

UNITED STATES DISTRICT COURT

for

DISTRICT OF NORTH DAKOTA

Petition for Warrant or Summons for Person under Supervision

Name of Person Under Supervision: Jonathan Montanez

Case Number: 0868 3:20CR00170

Name of Sentencing Judicial Officer: Peter D. Welte, Chief U.S. District Court Judge

Date of Original Sentence: April 2, 2021

Original Offense: Civil Disorder – 18 U.S.C. § 231(a)(3)

Original Sentence: 24 Months with Credit for Time Served / 3 Years TSR

Type of Supervision: TSR

Date Supervision Commenced: 6/12/2022

Asst. U.S. Attorney: Richard Michael Lee

Defense Attorney: Christopher J. Lancaster

PETITIONING THE COURT

☒ To issue a warrant

☐ To issue a summons

The probation officer believes that the person under supervision has violated the following condition(s) of supervision:

<u>Violation No.</u>	<u>Nature of Noncompliance</u>
1.	On August 2, 2022, Mr. Montanez tested positive for marijuana metabolite, cocaine, and ETG via urinalysis test. Abbott Laboratory testing confirmed usage of all three substances. This is in violation of Special Condition #1, which requires the defendant to totally abstain from the use of alcohol and illegal drugs.
2.	Mr. Montanez verbally admitted to drinking alcohol on August 5, 2022, and August 9, 2022. This is in violation of Special Condition #1, which requires the defendant to totally abstain from the use of alcohol and illegal drugs.
3.	On August 15, 2022, upon intake into Centre, Inc. RRC, Mr. Montanez provided a breathalyzer BAC reading of 0.09. Upon providing a urinalysis test, Mr. Montanez admitted to smoking marijuana and drinking alcohol on August 14, 2022. This is in violation of Special Condition #1, which requires the defendant to totally abstain from

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the use of alcohol and illegal drugs.

4. **On November 14, 2022, Mr. Montanez tested positive for marijuana metabolite and ETG via urinalysis test. He verbally admitted to using both alcohol and marijuana the prior weekend.** This is in violation of Special Condition #1, which requires the defendant to totally abstain from the use of alcohol and illegal drugs.
5. **On December 1, 2022, Mr. Montanez was found to be associating with Brittney Reynolds, an individual with a felony record, without permission of the U.S. Probation Office.** This is in violation of Standard Condition #8, which requires the defendant to not communicate or interact with someone known to be engaged in criminal activity. If the defendant knows someone has been convicted of a felony, he must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
6. **On December 2, 2022, Mr. Montanez tested positive for marijuana metabolite and methamphetamine via urinalysis test. Mr. Montanez admitted to usage of marijuana the week of November 21, 2022. Abbott Laboratories confirmed usage of methamphetamine.** This is in violation of Special Condition #1, which requires the defendant to totally abstain from the use of alcohol and illegal drugs.
7. **On December 12 and December 20 of 2022, Mr. Montanez tested positive for methamphetamine via urinalysis test.** This is in violation of Special Condition #1, which requires the defendant to totally abstain from the use of alcohol and illegal drugs.
8. **On December 22, 2022, Mr. Montanez did not report as directed to the U.S. Probation Office for an office visit.** This is in violation of Standard Condition #2, which requires the defendant to report to the probation officer as instructed.
9. **Mr. Montanez was directed to engage with chemical dependency treatment services on December 2, 2022. At the time of the petition, Mr. Montanez has not engaged with chemical dependency treatment services as directed.** This is in violation of Special Condition #3, which requires the defendant to participate in a chemical dependency treatment program as approved by the supervising probation officer.
10. **Mr. Montanez was directed to engage with mental health treatment services on December 2, 2022. At the time of the petition, Mr. Montanez has not engaged with mental health treatment services as directed.** This is in violation of Special Condition #5, which requires the defendant to participate in mental health treatment/counseling as directed by the supervising probation officer.

U.S. Probation Officer Recommendation: It is respectfully recommended the Court issue a warrant and have the defendant appear before the Court to address the alleged violations.

☒ The term of supervision should be:

☒ Revoked.

☐ Extended for _____ years, for a total term of _____ years.

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☐ The conditions of supervision should be modified as follows:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 27, 2022

/s/ Alexander Ganzemiller
U.S. Probation Officer

THE COURT ORDERS:

- ☐ No Action.
- ☒ The Issuance of a Warrant/Matter Sealed Pending Arrest.
- ☐ The Issuance of a Summons.
- ☐ Other

/s/ Peter D. Welte

Signature of Judicial Officer

December 27, 2022

Date